

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CORY JAMES HESSELTINE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. C04-1690MJP

ORDER DENYING §2255 MOTION

The Court, having reviewed petitioner's §2255 motion, the Report and Recommendation of Judge Mary Alice Theiler, United States Magistrate Judge, Petitioner's Objections, and the supplemental briefing submitted by the Government regarding the effect of United States v. Ameline, 409 F. 3d 1073 (9<sup>th</sup> Cir. 2005) on Petitioner's claim, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation
- (2) Petitioner's §2255 motion (Dkt. No. 1) is DENIED and this action is DISMISSED with prejudice.
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for the government, and to Judge Theiler.

DATED this 7<sup>th</sup> day of September, 2005.



Marsha J. Pechman  
United States District Judge